



Patent Docket P1943R1

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Heidi S. Phillips Serial No.: 10/521,053 Filed: December 20, 2004	Group Art Unit: Not Known Examiner: NOT KNOWN Confirmation No: 5432 CUSTOMER NO: 09157
For: COMPOSITIONS AND METHODS FOR THE DIAGNOSIS AND TREATMENT OF TUMOR	<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: right;">July 13, 2005</p> <p style="text-align: right;"><i>Bailey Lee</i></p> <p style="text-align: right;">Bailey Lee</p>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

(x) **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); or
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, or
- before the mailing of the first Office action on the merits; or
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

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37 CFR §1.97(c)

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

(If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.)

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☒ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) and/or publication(s) is set forth on the attached revised Form PTO-1449.

Also enclosed is a copy of the PCT Search Report.

A copy of the items listed on the PTO-1449 form are supplied herewith, except for those patent(s), publication(s) or other information which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because **a)** ☐ they were previously cited by or submitted to the Office in a prior application Serial No. 60/394,998, filed July 9, 2002 and relied upon in this application for an earlier filing date under 35 USC §120 **and/ or** because **b)** ☐ copies of United States patents and United States patent application publications are not required unless requested by the Office. 37 CFR §1.98(a)(2)(ii). See Final Rule **1287 OG** (October 12, 2004). Applicants stand ready to provide copies

at the request of the Examiner.

☐ BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1- A-Q" (nucleotide) and "BLAST Results B-1 - B-Q" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) (Required)

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,
GENENTECH, INC.

Date: July 13, 2005

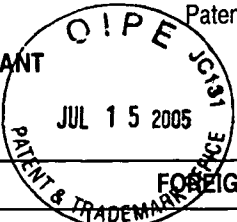
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(04/23/2008)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.D./ (04/23/2008)

(04/23/2008)

Sheet 1 of 1

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1943R1	Serial No. 10/521,053	
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)				Applicant Heidi S. Phillips et al.		
				Filing Date 20 Dec 2004	Group	
 FOREIGN PATENT DOCUMENTS						
Examiner Initials	Document Number	Date	Country	Class	Subclass	Translation Yes No
	1 0 307 247	31.08.94	EP			
OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)						
	2	Ausubel <u>Current Protocols of Molecular Biology</u> (Unit 3.16) (1987)				
	3	Bolívar et al., "Construction and Characterization of New Cloning Vehicles. II. A Multipurpose Cloning System" <u>Gene</u> 2:95-113 (1977)				
	4	Boring et al., "Cancer Statistics, 1993" <u>CA: A Cancer Journal for Clinicians</u> 43(1):7-26 (Jan-Feb 1993)				
	5	"Database GenCore on EST, Accession No. AB021288, MATSUMOTO et al., "Human mRNA for beta 2-microglobulin," Gene sequence" pps. 5 and 6 (Dec 22, 1998)				
	6	"Database GenCore on EST, No. AAR60514, DENZYME APS (WO 94/18227 A2), "Human beta-2 microglobulin," Gene Sequence" pps. 1 and 2 (Aug 18, 1994)				
	7	"Database GenCore on EST, No. ABP43154, HUMAN GENOME SCI., INC. (WO 2002/22677 A1), "Homo sapiens", Gene Sequence" pps. 4 and 5 (Jan 3, 2002)				
	8	Lucas et al., "High-Level Production of Recombinant Proteins in CHO Cells Using a Dicistronic DHFR Intron Expression Vector." <u>Nucleic Acids Research</u> 24(9):1774-1779 (1996)				
	9	Rupert et al., "Cloning and expression of human TAF 250: a TBP-associated factor implicated in cell-cycle regulation" <u>Nature</u> 362:175-179 (1993)				
	10	Shields et al., "High Resolution Mapping of the Binding Site on Human IgG1 for FcγRI, FcγRII, FcγRIII, and FcRn and Design of IgG1 Variants with Improved Binding to the FcγR*" <u>Journal of Biological Chemistry</u> 276(9):6591-6604 (2001)				
	11	Somparyrac et al., "Efficient infection of monkey cells with DNA of simian virus 40" <u>Proc. Natl. Acad. Sci. USA</u> 12:7575-7578 (1981)				
	12	Thimmappaya et al., "Adenovirus VAI RNA is required for efficient translation of viral mRNAs at late times after infection" <u>Cell</u> 31(3 Pt 2):543-551 (Dec 1982)				
Examiner /Minh Tam Davis/ (04/23/2008)				Date Considered		

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

USCOMM-DC 80-398.